

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JOSEPH BIRCH,	)	
	)	
Plaintiff,	)	C.A. No. 05-799 (JJF)
	)	
v.	)	
	)	
E. I. DUPONT DE NEMOURS	)	
& CO., INC.,	)	
	)	
Defendant.	)	

**FINAL ORDER**

**THE COURT**, having considered Defendant's Renewed Motion To Dismiss, and Plaintiff Joseph Birch having failed to comply with the Order of this Court dated September 21, 2007, and having failed to participate in the discovery process or appear for his deposition three times;

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that this action is **DISMISSED** with prejudice.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff Joseph Birch shall reimburse Defendant E. I. du Pont de Nemours and Company for the reasonable costs and attorneys' fees it incurred due to Plaintiff's failure to appear at his three properly scheduled depositions.

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UNITED STATES DISTRICT JUDGE

Dated:  
828173

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